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CITY AND COUNTY OF SAN FRANCISCO,
PAUL MIYAMOTO IN HIS OFFICIAL CAPACITY AS
SAN FRANCISCO SHERIFF

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOSHUA SIMON, DAVID BARBER, AND
JOSUE BONILLA, INDIVIDUALLY AND
ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED, DIANA BLOCK,
AN INDIVIDUAL AND COMMUNITY
RESOURCE INITIATIVE, AN
ORGANIZATION,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, PAUL MIYAMOTO, IN HIS
OFFICIAL CAPACITY AS SAN
FRANCISCO SHERIFF,

Defendants.

Case No. 4:22-cv-05541-JST

**DEFENDANTS CITY AND COUNTY OF SAN
FRANCISCO AND PAUL MIYAMOTO'S
RESPONSE TO MOTION TO ADVANCE
PRELIMINARY INJUNCTION HEARING
(ECF No. 26)**

Judge: Honorable. Jon S. Tigar
Courtroom: Courtroom 6, 2nd Floor

Trial Date: Not Set

Defendants City and County of San Francisco and Paul Miyamoto, in his official capacity as San Francisco Sheriff (“Defendants”), respectfully submit the following response to the Motion to Advance the Hearing Date for Plaintiffs’ Motion for Preliminary Injunction, ECF No. 26 (“Administrative Motion”), filed by Plaintiffs Joshua Simon, David Barber, Josue Bonilla, Diana Block, and Community Resource Initiative (“Plaintiffs”).

Defendants defer to the Court’s directives with respect to the scheduling of hearings and therefore take no position on the Administrative Motion except to suggest that the Court consider setting the Motion for a Preliminary Injunction and Motion to Dismiss the Complaint (ECF No. 24) for hearing together in the interests of judicial economy.

The Motion to Dismiss was filed October 17, 2022, and is calendared for hearing on January 19, 2023. The Motion to Dismiss and Preliminary Injunction Motion address overlapping procedural and substantive issues, including the appropriate forum for Plaintiffs’ claims, federal and California constitutional limits on conditions of release for criminal defendants released by the state criminal court, and taxpayer statutory and Article III standing. Given these and other overlapping issues, judicial economy supports hearing the motions together. Defendants therefore suggest—if the Court is inclined to advance the hearing date on the Preliminary Injunction Motion—that it reset the Motion to Dismiss for the same date.

Dated: October 19, 2022

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By: /s/ Kaitlyn Murphy
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